

AMENDED IN ASSEMBLY AUGUST 29, 2000
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AMENDED IN SENATE APRIL 14, 1999

SENATE BILL

No. 89

**Introduced by Senator Escutia
(Coauthors: Senators Murray and Solis)**

(Coauthors: Assembly Members Alquist, Aroner, Firebaugh,
Longville, Keeley, Romero, Shelley, Strom-Martin, and
Wildman)

December 7, 1998

An act to amend Section 65040.12 of the Government Code,
to amend Section 72000 of, and to add Sections 72001.5, 72002,
72003, and 72004 to, the Public Resources Code, relating to
environmental justice.

LEGISLATIVE COUNSEL'S DIGEST

SB 89, as amended, Escutia. Environmental quality:
minority and low-income populations.

Existing law establishes the Office of Planning and Research as the coordinating agency in state government for environmental justice programs. Existing law defines “environmental justice” to mean the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation and enforcement of environmental laws and policies.

This bill would require the Secretary for Environmental Protection, on or before January 15, 2002, to convene a Working Group on Environmental Justice, composed of various representatives as specified to assist the California Environmental Protection Agency in developing an interagency environmental justice strategy. The bill would require the working group to take various actions relating to the development and implementation of environmental justice strategies.

The bill would require the secretary, on or before January 15, 2002, to convene an advisory committee to assist the working group by providing recommendations and information to, and serving as a resource for, the working group. The bill would also require the secretary, not later than January, 1 2006, and every 3 years thereafter, to prepare and submit to the Governor and the Legislature a report on the implementation of the body of law of which this bill would be a part.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65040.12 of the Government
2 Code is amended to read:
3 65040.12. (a) The office shall be the coordinating
4 agency in state government for environmental justice
5 programs.
6 (b) The director shall do all of the following:
7 (1) Consult with the Secretaries of the California
8 Environmental Protection Agency, the Resources
9 Agency, the Trade and Commerce Agency, and the
10 Business, Transportation and Housing Agency, the

1 Working Group on Environmental Justice established
2 pursuant to Section 72002 of the Public Resources Code,
3 any other appropriate state agencies, and all other
4 interested members of the public and private sectors in
5 this state.

6 (2) Coordinate the office's efforts and share
7 information regarding environmental justice programs
8 with the Council on Environmental Quality, the United
9 States Environmental Protection Agency, the General
10 Accounting Office, the Office of Management and
11 Budget, and other federal agencies.

12 (3) Review and evaluate any information from federal
13 agencies that is obtained as a result of their respective
14 regulatory activities under federal Executive Order
15 12898, and from the Working Group on Environmental
16 Justice established pursuant to Section 72002 of the Public
17 Resources Code.

18 (c) For the purposes of this section, "environmental
19 justice" means the fair treatment of people of all races,
20 cultures, and incomes with respect to the development,
21 adoption, implementation, and enforcement of
22 environmental laws, regulations, and policies.

23 SEC. 1.5. Section 72000 of the Public Resources Code
24 is amended to read:

25 72000. The California Environmental Protection
26 Agency, in designing its mission for programs, policies,
27 and standards, shall do all of the following:

28 (a) Conduct its programs, policies, and activities that
29 substantially affect human health or the environment in
30 a manner that ensures the fair treatment of people of all
31 races, cultures, and income levels, including minority
32 populations and low-income populations of the state.

33 (b) Promote enforcement of all health and
34 environmental statutes within its jurisdiction in a manner
35 that ensures the fair treatment of people of all races,
36 cultures, and income levels, including minority
37 populations and low-income populations in the state.

38 (c) Ensure greater public participation in the agency's
39 development, adoption, and implementation of
40 environmental regulations and policies.

1 (d) Improve research and data collection for
2 programs within the agency relating to the health of, and
3 environment of, people of all races, cultures, and income
4 levels, including minority populations and low-income
5 populations of the state.

6 (e) Coordinate its efforts and share information with
7 the United States Environmental Protection Agency.

8 (f) Identify differential patterns of consumption of
9 natural resources among people of different
10 socioeconomic classifications for programs within the
11 agency.

12 (g) Consult with and review any information received
13 from the Working Group on Environmental Justice
14 established to assist the California Environmental
15 Protection Agency in developing an agencywide strategy
16 pursuant to Section 72002 in meeting the requirements of
17 this section.

18 SEC. 1.6. Section 72001.5 is added to the Public
19 Resources Code, to read:

20 72001.5. In developing the model environmental
21 justice mission statement pursuant to Section 72001, the
22 California Environmental Protection Agency shall
23 consult with, review, and evaluate any information
24 received from the Working Group on Environmental
25 Justice established pursuant to Section 72002.

26 SEC. 1.7. Section 72002 is added to the Public
27 Resources Code, to read:

28 72002. (a) On or before January 15, 2002, the
29 Secretary for Environmental Protection shall convene a
30 Working Group on Environmental Justice to assist the
31 California Environmental Protection Agency in
32 developing an agencywide strategy for identifying and
33 addressing any gaps in existing programs, policies, or
34 activities that may impede the achievement of
35 environmental justice.

36 (b) The working group shall be composed of the
37 Secretary for Environmental Protection, the Chairs of the
38 State Air Resources Board, the California Integrated
39 Waste Management Board, and the State Water
40 Resources Control Board, the Director of Toxic

Substances Control, the Director of Pesticide Regulation, the Director of Environmental Health Hazard Assessment, and the Director of Planning and Research.

(c) The working group shall do all of the following:

(1) Examine existing data and studies on environmental justice, and consult with state, federal, and local agencies and affected communities.

(2) Recommend criteria to the Secretary for Environmental Protection for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

(3) Recommend procedures and provide guidance to the California Environmental Protection Agency for the coordination and implementation of intraagency environmental justice strategies.

(4) Recommend procedures for collecting, maintaining, analyzing, and coordinating information relating to an environmental justice strategy ~~and~~ identify.

(5) Recommend procedures to ensure that public documents, notices, and public hearings relating to human health or the environment are concise, understandable, and readily accessible to the public. The recommendation shall include guidance for determining when it is appropriate for the California Environmental Protection Agency to translate crucial public documents, notices, and hearings relating to human health or the environment for limited-English-speaking populations.

(6) Hold public meetings to receive and respond to public comments regarding recommendations required pursuant to this section, prior to the finalization of the recommendations. The California Environmental Protection Agency shall provide public notice of the availability of draft recommendations at least one month prior to the public meetings.

(7) Make recommendations on other matters needed to assist the agency in developing an intraagency environmental justice strategy.

SEC. 2. Section 72003 is added to the Public Resources Code, to read:

1 72003. The Secretary for Environmental Protection
2 shall, on or before January 15, 2002, convene an advisory
3 group to assist the working group described in Section
4 72002 by providing recommendations and information to,
5 and serving as a resource for, the working group. The
6 Secretary for Environmental Protection shall appoint
7 members to the advisory group according to the
8 following categories:

9 (a) Two representatives of local or regional land use
10 planning agencies.

11 (b) Two representatives from air districts.

12 (c) Two representatives from certified unified
13 program agencies (CUPAs).

14 (d) Two representatives from environmental
15 organizations.

16 (e) Three representatives from the business
17 community, one from a small business and two from a
18 large business, except that two of the representatives of
19 the business community may be from an association that
20 represents small or large businesses. As used in this
21 subdivision, “small business” has the meaning given that
22 term by subdivision (c) of Section 1028.5 of the Code of
23 Civil Procedure, and a large business is any business other
24 than a small business.

25 (f) Two representatives from community
26 organizations. The advisory group may form
27 subcommittees to address specific types of
28 environmental program areas. The California
29 Environmental Protection Agency shall provide a
30 reasonable per diem for attendance at advisory
31 committee meetings by advisory committee members
32 from nonprofit organizations.

33 SEC. 3. Section 72004 is added to the Public Resources
34 Code, to read:

35 72004. The Secretary for Environmental Protection
36 shall, not later than January 1, 2006, and every three years
37 thereafter, prepare and submit to the Governor and the
38 Legislature a report on the implementation of this part.

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